

Docket No.: 37355-304

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : KIEKHAEFER, JOHN H.
Appl. No. : 10/735940
Filed : December 15, 2003
Title : TRANSPARENT/TRANSLUCENT
FINANCIAL TRANSACTION
CARD

Confirmation No.: 3705

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Grp./A.U. : 2876
Examiner : J. Fureman
Customer No.: : 1923


Stephen T. Scherrer, Reg. No. 45,080

TERMINAL DISCLAIMER

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

American Express Travel Related Services Company, Inc., the owner of a 100 percent interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent Nos. 6,732,936, 6,705,530, 6,296,188 and 6,290,137. American Express Travel Related Services Company, Inc., hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent Nos. 6,732,936, 6,705,530, 6,296,188 and 6,290,137 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, American Express Travel Related Services Company, Inc., does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent Nos. 6,732,936, 6,705,530, 6,296,188 and 6,290,137, as presently shortened by any terminal disclaimer, in the event that any such granted patent: expires for

Kiekhaefer
Appln. No. 10/735,940

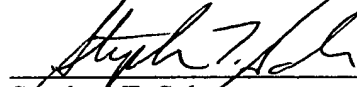
failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. The undersigned is an agent of record.

Please charge the terminal disclaimer fee of \$130.00 under 37 C.F.R. § 1.20(d) and any other fee under 37 C.F.R. § 1.16 or 1.17 that is required due to this communication to Deposit Account No. 13-0206. A copy of this document is enclosed.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



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